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EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2625

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,105	Applicant(s) SIMPSON ET AL.	
	Examiner Michael Burleson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,27,28 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 9-14, filed 01/062006, with respect to the rejection(s) of claim(s) 1-3,7-12 and 16-19 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kumada US 5815642.
2. Regarding Applicant's remarks, Applicant states that the prior art reference of Lindbloom US 5740076 fails to teach "accessing imaging data to be printed responsive to a print command, accessing via a network imaging data to be printed". Examiner agrees with Applicant. Lindbloom does teach of "accessing imaging data to be printed responsive to a print command" (column 4, lines 1-10), but fails to access, via a network, imaging data to be printed. The prior art reference of Kumada teaches of accessing imaging data to be printed, responsive to a print command, accessing, via a network, imaging data to be printed (column 5, lines 1-5).
3. Regarding claim 2, Applicant states that the prior art reference of Lindbloom does not teach, "accessing color information contained within the imaging data". Examiner agrees with Applicant. The prior art reference of Kumada teaches of accessing color information contained within the imaging data (column 5, lines 45-60).
4. Regarding claim 7, Applicant states that the prior art reference of Lindbloom does not teach identifying a "Pantone color identification included in the imaging data". Examiner agrees with Applicant. The prior art reference of Kumada teaches Pantone color identification included in the imaging data (column 5, lines 45-49).

5. Regarding claim 8, Applicant states that the prior art reference of Lindbloom does not teach identifying a "set of intensity values included in the imaging data". Examiner agrees with Applicant. The prior art reference of Kumada teaches identifying a set of intensity values included in the imaging data (column 5, lines 45-49).

6. Regarding claim 10, Applicant states that the prior art reference of Lindbloom does not teach that the set of intensity values comprises an "ICC profile". Examiner agrees with Applicant. The prior art reference of Kumada teaches the set of intensity values comprises an ICC profile (column 6, lines 27-33).

7. Claims 1-3, 7-12 and 16-19 are rejected.

8. Regarding Applicant's remarks of claims 4-6, 13-15 and 20-27, Applicant states that the prior art reference of Martinez et al. US 2003/0156299 carries the same deficiencies of Lindbloom reference. Examiner agrees with Applicant. The prior art reference of Nishikawa teaches of the deficiencies not taught by Martinez et al. (figure 9) and the reference of Nishikawa discloses the teachings of claims 4-6, 13-15 and 20-27.

9. Claims 4-6, 13-15 and 20-27 are rejected.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 14 and 15 recites the limitation "the imaging extension" in lines 1 and 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3,7-12 and 16-21,24,25,27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumada US 5815642.

14. Regarding claim 1, Kumada discloses a method for notifying a user as to an inadequate color gamut (column 6,lines 11-15). Kumada discloses responsive to a print command, accessing via a network, imaging data to be printed (column 5,lines 1-5). Kumada discloses identifying colors represented by the imaging data (column 5,lines 45-48). Kumada discloses comparing the identified colors with a color gamut of printing device that is to print the imaging data (column 6,lines 1-10). Kumada discloses notifying the user if one or more of the identified colors are not included in the color gamut of the printing device (column 6,lines 11-15).

15. Regarding claim 2, Kumada discloses accessing imaging data comprises accessing color information contained within the imaging data (column 5,lines 45-51).

16. Regarding claim 3, Kumada discloses accessing imaging data comprises retrieving the imaging data (column 5,lines 45-60).

17. Regarding claim 4, Kumada discloses accessing imaging data comprises accessing imaging data through use of an imaging extension comprising one or more application programming instructions (column 6, lines 55-67 – column 7, lines 1-6).
18. Regarding claim 7, Kumada discloses identifying colors comprises identifying a Pantone color identification included in the accessed imaging data (column 6, lines 16-20).
19. Regarding claim 8, Kumada discloses identifying colors comprises identifying a set of intensity values included in the accessed imaging data that represent an absolute color defined by a color profile (column 6, lines 27-32).
20. Regarding claim 9, Kumada discloses the set of intensity values comprises at least one of RGB, CMY and YCC (column 6, lines 16-20 and 27-32).
21. Regarding claim 10, Kumada discloses the color profile comprises an ICC profile (column 6, lines 26-32).
22. Regarding claim 11, Kumada discloses notifying the user comprises presenting a printing warning to the user that includes a message that explains that the printing device does not support a desired color (column 4, lines 50-55 and column 6, 10-15).
23. Regarding claim 12, the steps of method of claim 1 perform all of the means of the system of claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 1.
24. Regarding claim 13, the steps of method of claim 4 perform all of the means of the system of claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 4.

25. Regarding claim 16, the steps of method of claim 7 perform all of the means of the system of claim 16. Thus, claim 16 is rejected for the same reasons discussed in the rejection of claim 7.

26. Regarding claim 17, the steps of method of claim 8 perform all of the means of the system of claim 17. Thus, claim 17 is rejected for the same reasons discussed in the rejection of claim 8.

27. Regarding claim 18, the steps of method of claim 9 perform all of the means of the system of claim 18. Thus, claim 18 is rejected for the same reasons discussed in the rejection of claim 9.

28. Regarding claim 19, the steps of method of claim 10 perform all of the means of the system of claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 10.

29. Regarding claim 20, the steps of method of claim 1 perform all of the logic of the network-based service of claim 20. Thus, claim 20 is rejected for the same reasons discussed in the rejection of claim 1.

30. Regarding claim 21, the steps of method of claim 4 perform all of the logic of the network-based service of claim 21. Thus, claim 21 is rejected for the same reasons discussed in the rejection of claim 4.

31. Regarding claim 24, Kumada discloses a printer (printer (3) column 5, lines 1-3). Kumada discloses a processing device (host computer (2) column 5, lines 7-9). Kumada discloses memory including logic configured to access imaging data to be printed, logic configured to identify colors represented by the imaging data, logic configured to

compare the identified colors with a color gamut of the printer, and logic configured to notify the user if one or more of the identified colors is not included in the color gamut of the printer (column 5,lines 8-26).

32. Regarding claim 25, Kumada discloses the logic configured to access imaging data comprises an imaging extension comprising one or more application programming instructions (column 6,lines 55-67 – column 7,lines 1-6).

33. Regarding claim 27, Kumada discloses the imaging extension comprises part of a network-based service hosted by the printer (column 4,lines 19-24).

34. Regarding claim 28, Kumada discloses the service is hosted by a network-accessible printer (column 4,lines 19-24).

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 5,6,14,15,22 and 23 are rejected under 35 U.S.C. 103(a) as being obvious over Kumada US 5815642 in view of Such et al. US 2004/0207862.

The applied reference has a common assignee with the instant application.
Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

37. Regarding claim 5, Kumada discloses all of the limitations of claims 1 and 4.

38. Kumada fails to disclose the imaging extension comprises part of a user browser and is called by generic access instructions downloaded to the user browser from a web-based printing service.

39. Such et al. discloses the imaging extension comprises part of a user browser and is called by generic access instructions downloaded to the user browser from a web-based printing service (page 3, paragraphs 0062,0063 and 0066).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Kumada wherein the imaging extension

comprises part of a user browser and is called by generic access instructions downloaded to the user browser from a web-based printing service. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Kumada by the teaching of Such et al. so that Kumada's invention can send imaging data to a web-based printing service to be processed.

40. Regarding claim 6, Kumada discloses all of the limitations of claims 1 and 4.

41. Kumada fails to disclose of the imaging extension comprises part of a web-based printing service.

42. Such et al. discloses the imaging extension comprises part of a web-based printing service (page 3, paragraph 0063).

43. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Kumada wherein the imaging extension comprises part of a web-based printing service. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Kumada by the teaching of Such et al. so that Kumada's invention can send imaging data to a web-based printing service to be processed.

44. Regarding claim 14, the method of claim 5 performs all of the means for system claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 5.

45. Regarding claim 15, the method of claim 6 performs all of the means for system claim 15. Thus, claim 15 is rejected for the same reasons discussed in the rejection of claim 6.

46. Regarding claim 22, the method of claim 5 performs all of the logic for service claim 22. Thus, claim 22 is rejected for the same reasons discussed in the rejection of claim 5.

47. Regarding claim 23, the method of claim 6 performs all of the logic for service claim 23. Thus, claim 23 is rejected for the same reasons discussed in the rejection of claim 6.

Conclusion

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2626

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson whose telephone number is 571-272-7460. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Burleson

Patent Examiner

MB

April 27, 2006

David Moore

DAVID MOORE
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